

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

DONALD KELLUM II, ROSALIND KELLUM,
and SARAH SUBLET-MCCLINTON,

Plaintiffs,

vs.

JEFF DAVIS, Sheriff; SARPY COUNTY
SHERIFFS DEPT., LAVISTA POLICE
DEPT., ROBERT S. LAUSTEN, Cheif
LaVista Police Dept.; LEE POLIKOV, Sarpy
County Attorney; JIM PILLEN, Governor;
DAVID BLACK, Mayor; and SARPY
COUNTY,

Defendants.

8:23CV354

MEMORANDUM AND ORDER

Plaintiff Rosalind Kellum ("Plaintiff"), a non-prisoner, filed a Motion for Leave to Proceed in Forma Pauperis. [Filing No. 2](#). Upon review of Plaintiff's Motion, the Court finds that Plaintiff is financially eligible to proceed in forma pauperis.

Plaintiff also filed a form summons, which the Court construes as a motion for summons, [Filing No. 4](#), and what has been docketed as a Motion to Unseal Warrant, which the Court construes as a motion for discovery, [Filing No. 5](#). This matter may not proceed to service of process at this time nor may any discovery take place. Because Plaintiff is proceeding in forma pauperis, the Court is required to review Plaintiff's Complaint to determine whether summary dismissal is appropriate. See [28 U.S.C. § 1915\(e\)\(2\)](#). The Court must dismiss a complaint or any portion thereof that states a frivolous or malicious claim, that fails to state a claim upon which relief may be granted, or that seeks monetary relief from a defendant who is immune from such relief. [28 U.S.C. § 1915\(e\)\(2\)\(B\)](#). This matter may not proceed to service of process unless so

ordered by the Court after conducting this initial review, and no discovery may take place until after this matter proceeds to service of process.

IT IS THEREFORE ORDERED that:

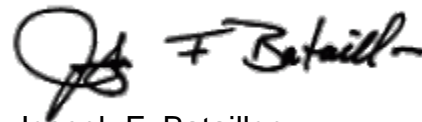
1. Plaintiff Rosalind Kellum's Motion for Leave to Proceed in Forma Pauperis, [Filing No. 2](#), is granted, and the Complaint shall be filed without payment of fees.

2. Plaintiff's motion for summons, [Filing No. 4](#), and motion for discovery, [Filing No. 5](#), are denied without prejudice to reassertion as premature.

3. Plaintiff is advised that the next step in her case will be for the Court to conduct an initial review of her claims to determine whether summary dismissal is appropriate under [28 U.S.C. § 1915\(e\)\(2\)](#). The Court will conduct this initial review in its normal course of business.

Dated this 16th day of August, 2023.

BY THE COURT:

A handwritten signature in black ink, appearing to read "J F Bataillon", with a stylized flourish at the end.

Joseph F. Bataillon
Senior United States District Judge